

*St. Louis County Public Health
And
Human Services*



**Child Foster Care
Policy Manual**

August 23, 2011

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Information Session

Purpose: Ensure that new foster parents and family workers receive an overview of St. Louis County's foster care system.

1. A person makes contact with the Agency, seeking information regarding the foster care program.
2. An orientation is set up in a timely fashion, either in the home or in the office, at the coordinator's discretion. The information session could be done either in a group process or individually.
3. Information packet is shared with prospective foster parent along with any other information that applies to the licensing process. Person takes packet and discusses the information with family and makes decision to send application back or not.

Orientation

Purpose: To define the amount of orientation training prospective foster parents must participate in before placements may occur in their homes.

All non-relative foster parents must complete a minimum of six hours of orientation that is done by the licensing agency before placements may occur in their homes. All relative foster parents will complete a modified version of the orientation within 60 days of an initial placement.

First Year Core Training

During the first year of licensure St. Louis County Foster Care requires 10 core trainings equaling about 28 hours of training. This includes, 6 hours of Orientation, SIDS/Shaken Baby, Children's Mental Health, Child Passenger Safety, Rule 2960/Mandated Reporting, Behavior Management, Personal & Professional Boundaries, Impact of Physical and Sexual Abuse, and Permanency/Chips Court training.

Annual Training

Training Requirements and Verification

A **minimum** of 12 hours per year for each relative & non-relative licensed foster parent is required during each year of licensing by the Minnesota Rule 2960.3070.

Additional classes are required by Minnesota Rule in SIDS, and Shaken Baby prior to caring for infants. Child Passenger Safety (CPS) is also required if the foster family will be providing care for children under age 9. These three trainings must be updated every five years and apply to the annual 12 hour requirement.

Children's Mental Health is also required by Minnesota Rule, initial 2 hour training in the first year of licensing and at least one additional hour each year thereafter.

Each Foster Parent is required to present their individual training record with all training certificates attached to their licensor/consultant upon re-licensing, or at their annual review. Training will be reviewed and future training recommendations will be discussed as part of the review or re-licensing.

If training is not completed prior to the annual re-licensing, it will impact future placements, and the MN Department of Human Services recommends a correction order be issued.

Pre-approved training methods and topics are outlined on the back of the St. Louis County training record form. If you need a training record form please contact your licensor prior to re-licensing or your annual evaluation.

Data Privacy Rights of Foster Parents Sharing Information about Foster Parents Legal Status of Foster Parents in Court Proceedings

Purpose: Clarify the following questions:

1. What do privacy guidelines say about what information about foster homes can be shared with the placing worker?
2. Are there criteria in privacy laws you should use in making the decision on what to share about a foster home with a placing worker?
3. What legal rights do foster parents have when they take a position different from the Department in a court action?

In response to questions one and two, Minnesota Rules defining family foster care (Chapter 2960.3000-2960.3340) do not address the data privacy issues associated with foster care. Rather, these Rules address “Notice of Changes in Household Conditions”. The Rule states: “The license holder must immediately notify the licensing agency of foster home and foster family or household changes that affect the terms of the license or the ability of the license holder to provide care to children.”

The St Louis County Attorney’s Office provides the following statement regarding data privacy:

Data regarding health conditions, including chemical dependency, of foster parents serving our programs is considered private data. Private data must not be disclosed to the third parties or the public generally, absent consent of the subject of the data, judicial order, or specific statutory authority. Disclosure of private data within the agency should be governed on a “need to know” basis. Dissemination of information under those terms is not a violation of the Data Practices Act. Persons with a “need to know” would be:

- Any social worker currently having a placement within the home
- Any social worker currently using the home for respite
- Any social worker currently wishing to use the home
- All supervisors involved with these workers.

Any information sharing regarding a foster parent should be guided by the principles of safety, permanency, and well-being. If this Agency is in receipt of any information that would impact a child in these areas, then that information should be shared. Examples of information would include but not be limited to:

- mental health of family members
- Driving Under the Influence citation
- Chemical Dependency/Substance Abuse Treatment
- Divorce
- Any other major changes

It would be the responsibility of the licensing unit to assess the information and disseminate that information to the appropriate parties.

Regarding the third question with respect to the legal rights of foster parents when they take a position different from the Department in a court action, we need to first look at their legal status. The Rules of Juvenile Protection Procedure defines this status as follows:

Rule 22.01 Identifies foster parents as participants in the court action.

Rule 22.02 Rights of Participants

Subd. 1. Generally, unless a participant intervenes as a party pursuant to Rule 23 or is joined as a party pursuant to Rule 24, the rights of a participant shall be limited to:

- (a) Notice and a copy of the petition pursuant to Rule 32;
- (b) Attending hearings pursuant to Rule 27; and
- (c) Offering information at the discretion of the court.

Subd 2. Foster Parents and Relatives. Notwithstanding subdivision 1, any foster parent, pre-adoptive parent, or relative providing care for the child or relative to whom the responsible social services agency recommends transfer of permanent legal and physical custody of the child, shall be provided an opportunity to be heard in any hearing regarding the child. Any other relative may request an opportunity to be heard. This subdivision does not require that a foster parent, pre-adoptive parent, or relative providing care for the child be made a party to the matter. Each party and the county attorney shall be provided an opportunity to respond to any presentation by a foster parent or relative.

Foster parents may also request “Party” status from the court. Party status offers the foster parents:

- (a) Notice pursuant to Rule 32
- (b) Legal representation pursuant to Rule 25
- (c) Be present at all hearings unless excluded pursuant to Rule 27
- (d) Conduct discovery pursuant to Rule 17
- (e) Bring motions before the court pursuant to Rule 15
- (f) Participate in settlement agreements pursuant to Rule 19
- (g) Subpoena witnesses pursuant to Rule 13
- (h) Make argument in support of or against the petition
- (i) Present evidence
- (j) Cross-examine witnesses
- (k) Request review of the referee’s findings and recommended order pursuant to Rule 7
- (l) Request review of the court’s disposition upon a showing of a substantial change of circumstances or that the previous disposition was inappropriate
- (m) Bring post-trial motions pursuant to Rule 45
- (n) Appeal from orders of the court pursuant to Rule 47; and
- (o) Any other rights as set forth in statute or these rules.

As is evident by both participant and party status, foster parents have an opportunity to share their positions with the court. If there is a disagreement between the Agency and the foster parent as to the direction the case is going, all efforts should be made to resolve the issue prior to any court hearing. Failure to cooperate with the resolution of the conflicts will be treated as a Rule violation in accordance with Rule 2960.3080 subd. 5. Item B.

Dual Licensure Policy

Children and Family Services Division Position Statement

February, 2008

Position

The Children and Family Services Division of the St. Louis County Public Health and Human Service Department discourages dual licensure for child day care and child foster care, child day care and adult foster care, and child foster care and adult foster care services.

Concern

Dual licensure has the potential of reducing the provider's ability to provide sufficient attention to the day to day physical, emotional, social and special needs of children and adults placed in their care. Also, it has the potential of reducing the ability of the provider to provide a safe, secure, and predictable environment.

Process

Dual licensure services may be permitted, on a case-by-case basis, if deemed appropriate by the Minnesota Department of Human Services Licensing Division. Licensing staff from St. Louis County must support the dual license and submit a request for a variance to the Minnesota State Department of Human Services.

When the Department of Human Services approves a dual license variance, it is expected that each placement decision include an assessment of the history of each child or adult being considered for foster care placement and the vulnerability of other children or adults already placed for foster care or receiving family child care in the home. Also, it is expected that licensors and placement workers collaborate on placement decisions on an ongoing basis to ensure the continuing safety of all persons served.

In assessing the history of a child or adult being considered for placement in a dually licensed home, you must consult with the agency placing worker to determine the person's history and what impact it may have on the safety of other individuals served. For example, it is never appropriate to place an individual with a history of sexual aggression in a home that is also licensed for family child care. Such an arrangement places children at great risk of harm and there is no "safety plan" that the Department of Human Services would approve to allow this type of situation. Again, it would not be appropriate to place an adult with a history of aggression toward children in an adult foster home with a child foster care or family child care license.

In short, the following considerations should be made in arriving at a decision to provide dual licensure:

1. Will dual licensure reduce the foster parent's ability to provide sufficient attention to the day-to-day physical, emotional, social, and special needs of a foster child(ren) and adults placed in their care?

2. Will dual licensure reduce the ability of the child day care provider to provide a safe, secure, and predictable environment for the day care children placed in their care?
3. Does dual licensure have the potential of exposing any of the clients involved to additional risks, either physical or emotional?
4. Do the applicants for dual licensure have the knowledge, skills, and abilities to effectively handle the demands of dual licensure?
5. Is dual licensure in the best interests of all individuals being served?

Summary

The decision to recommend a variance for a dual licensure will be made with consensus of St. Louis County licensing staff and their supervisors. The final authority in granting a variance for dual licensure rests with the Minnesota Department of Human Services. If dual licensure is granted, licensing staff will coordinate the continued licensing process and site visits to the greatest extent possible. Open and ongoing communication will take place between licensing staff regarding any action taken that will affect the license status of the dual licensed provider.

Adoption/Foster Care Home Evaluations

Purpose: To clarify the Children's Division's position on the release of Adoption or Foster Care Home Evaluations

The Adoption and Foster Care Services Programs conduct home evaluations and license individuals in accordance with Minnesota Statutes 245A, 245C, 259.59, as well as Minnesota Rules 2960 and 9560. Their efforts provide foster care and permanency options for Minnesota children.

In some instances, adoptive and foster care parents request the release of their home evaluations to public and private agencies throughout the United States. This may result in a subsequent pre-adoptive or adoptive placement which requires supervision and submission of progress reports to the placing agency. This would place an undue burden on our adoption program and threaten our ability to complete adoptive placements of Minnesota children. These circumstances may be best served through the private adoption initiative.

Consequently, St. Louis County Public Health and Human Services will only release adoption and foster care home evaluations to public and private agencies within Minnesota who are facilitating an adoption of a child on the Minnesota Waiting Children List.

Out-of-Home Placement Principles and Guidelines

Purpose: Provide a policy framework as a foundation and minimize any negative impact that placement may have on families and children in St. Louis County.

Children and Family Services (CFS) are guided by the following principles and best practices:

- A. Parents are responsible for the care of their children. CFS will assist parents in meeting their responsibility to provide a safe, healthy and nurturing environment for their children. CFS prefers to work with families on a voluntary basis.
- B. CFS's out-of-home placement services are grounded in family-centered and strengths-based practice. As a result, CFS:
 - 1. Follows the statutory guidelines of least restrictive care in the closest proximity to the child's family, consistent with the child's needs. In addition, whenever possible, the order of preference for placement outside of the parental home will be:
 - a. the extended family
 - b. foster care
 - c. more specialized care to meet the child's needs
(MN Statute 256.07 Subd.2)
 - 2. Prefers community-based services and will use community-based services to meet a child's needs whenever possible. (MN Field Guide to Child Welfare Vol. I pp 37-38)
 - 3. Agrees that lengthy institutionalization can be detrimental to the long-term functioning of children. If residential care is necessary, CFS will purchase individualized services for a child based on that child's needs (rather than a preset "program") and will work to assure the child's timely return to a community setting.
 - 4. Works to ensure placement of siblings together whenever possible, as an integral part of family-centered practice. (MN 260c.193 Subd. 3e)
 - 5. Follows the Indian Child Welfare Act. This Act seeks to prevent the removal of Indian children and placement away from extended family and tribal systems. To serve Indian children and their families, CFS:
 - a. supports the preservation of the cultural heritage of Indian children.
 - b. recognizes that Tribes offer unique resources to meet its commitment to Indian children and families.
 - c. involves Tribes in decisions affecting Indian child welfare services.
- C. Recognizing the profound disruption to a child's world, children will be removed from the parental home only when necessary. CFS's criteria for the placement of children outside of their parental home are:
 - 1. When there are significant safety issues endangering a child, including imminent danger for children covered by ICWA;

OR

2. When the needs of the child cannot be met while the child is residing in the parental home.
- D. Communities are the primary source of opportunities and supports for families and share the responsibility of ensuring the safety and well-being of children and families. Out-of-home placement of children affects many organizations within the community. CFS will work closely with its community partners and the tribes to meet the shared responsibility for the out-of-home placement of children.

Guidelines for Out-of-Home Placements

Placement decisions will be made in a consistent fashion by the Children and Family Services administration and staff, in accordance with these written guidelines regarding out-of-home placement. Placement plans will be based on realistic goals grounded in the identified needs of the child and on what the parents must do to meet those needs. The focus of out-of-home placement services will be on the achievement of desired outcomes for both the child and the parent, not the quantity of services provided.

A. Placements

1. The family is the first alternative, but placement alternatives may have to be considered. CFS's criteria for the placement of children outside of their parental home are:
 - a. When there are significant safety issues endangering a child, including imminent danger for children covered by ICWA;

OR

 - b. When the needs of the child cannot be met while the child is residing in the parental home.
2. CFS does not support placements based solely on the following:
 - Truancy
 - Runaways
 - As a consequence of behavior (a therapeutic placement must have a therapeutic value; delinquency in itself is not a treatable symptom)
 - General family conflict/parent-child conflict
 - Court deadlines
 - Someone feels strongly "that this kid needs to be placed"
 - A particular treatment center has a "good program" or has "good people working there"
 - It is easier or feels more manageable (for us) to place than not to place.

3. Rule 5 placements of children under age 12 must have the approval of the Division Director, to reinforce both the importance of following the mandate to make the least restrictive placement possible and the significant impact placement has during a child's formative years.
4. Rule 5 and Rule 8 placements will be limited to eight months unless otherwise approved by the Division Director, to assure that treatment is focused on individualized needs of the child, is being provided in the most effective and efficient manner and is making the most appropriate use of community-based resources.

B. Best Practices

In their work with families, CFS will use "best practices" that are defined in the "Best Practices Addendum" and reflected in the guidelines below.

C. Alternatives

Social workers will assess and inform the family on alternatives to out-of-home placement or on the type of least restrictive placement best suited to meet the child's needs. In considering alternatives, social workers will explore all opportunities within the extended family.

D. Service Models

Services provided by the Department will be strengths-based and family-centered (see Best Practices Addendum for information).

1. Models of family-centered care include:

- Wraparound (building supports through family, friends, schools, coaches, neighbors, employers, and the faith community).
- Short-term intervention (limited number or limited time frame contracts).
- Family practice
- Family systems theory
- Strength-based theory
- Community-based theory
- Family Conferencing
- Attachment Theory

2. The services provided must meet the needs of families. Insight-oriented therapy is not appropriate in all family situations. In some cases, services will focus less on "therapy" and more on "skill-building."

3. Staff will use a variety of structured decision-making tools with families.

E. Diagnostic Assessments

In order to avoid an inherent conflict of interest, it is preferred that diagnostic assessments be conducted by an independent mental health professional. An independent mental health professional does not include individuals who are employed, contracted, or in any way affiliated with a facility/care provider that may be considered by CFS to provide residential services.

1. Outpatient diagnostic assessments will be used whenever possible, unless there is a risk of imminent danger to self or others.

2. The focus of all diagnostic assessments will be the identification of the child's needs. Parameters for assessments will be set by the referring CFS worker. The Department will not purchase recommendations for placement as a part of a diagnostic assessment.

F. Goals of Placement

CFS will work with vendors of residential services to develop individualized services for St. Louis County clients, i.e. working with a child to achieve specific goals that are tied to that child's identified needs. St. Louis County will purchase services that are goal-driven; services that are strictly program-driven will not be utilized.

G. Measures of Progress

Measuring progress is vital. All placements will be outcome-focused; services will be guided by the placement plan and measurable goals for placement. The CFS will work with parents whose child is placed to assure they are doing their part to make needed changes.

Placement plans will incorporate both time frames and specific measures of progress in order to facilitate evaluation of the placement. The three primary measures of progress for both the worker and the client are:

- Stability of behaviors in both child and parent
- Progress on treatment goals/improved thinking and functioning
- Stepping down to a less restrictive environment in the community (reunification/family environment)

H. Reporting Progress

Regular progress on measurable goals and ongoing necessity must be demonstrated for any placement to continue.

1. Residential facilities, including foster care, will be responsible for making progress on measurable goals.
2. Rule 5 and Rule 8 residential facilities will provide written monthly communication at a minimum (unless defined more frequently in the out-of-home placement plan) regarding progress on individualized treatment goals and the ongoing necessity for placement.
3. Rule 5 and Rule 8 facilities should also provide on an annual basis aggregate data on their overall program performance.

I. Reunification and Aftercare

1. Planning for aftercare and reunification will begin at or before admission to a placement and will include the following, as defined in the placement plan:
 - Informing the parent of the approximate length of placement.
 - Identifying the needed changes in the home.
 - Identifying the home the child will return to.
 - Developing a visitation plan for parent and child.
2. Administration will work with residential treatment centers to build in transition services as part of the services that are purchased.

J. Court

CFS will use the court when statutorily required to do so. When in court, CFS's role will be to make recommendations to the court that are based on the "best practices" for children, as found in research, practice wisdom and theoretical frameworks, as well as concurrent permanency planning, best interests of the child, and reasonable and active efforts.

K. Community

CFS will work to educate the community on safety, permanency and well-being of children and families. The information provided will include:

1. Specific roles and responsibilities of CFS when making out-of-home placements;
2. Aggregate data about St. Louis County children who have been placed;
3. Benefits of developing alternatives to out-of-home placement, as well as a description of the risks to children who are placed outside of their parental home;
4. The perspective that out-of-home placement of children is a shared community responsibility.

L. Resource Management

It is the Social Services Department's responsibility to manage all of its resources wisely. CFS will be accountable for its fiscal resources for out-of-home placements, both in how it raises revenue, as well as in how it expends funds. CFS will work closely with its community partners to coordinate existing services and to develop needed community resources. As part of this effort, CFS will continue to explore how best to balance expenditures for purchased services for out-of-home placements and community-based services that provide alternatives to placement.

M. Review of Policies

CFS will review its policies and guidelines regarding out-of-home placement on an annual basis in order to keep them relevant and to eliminate those which are no longer necessary.

Sources for Policies:

Blue Earth County's Guidelines for Out-of-Home Placements

Dakota County's Policy #6401

Banishing Bureaucracy (Osborne and Plastrik)

Field Guides to Child Welfare Vol I and IV.

SLCSSD Alternative Response Plan

SLDSSD Prevention and Intervention Program Description Manual

Child Welfare News

M. Little. 1999 New Research on Residential Care -Children and Society. pp 61-66

Department of Human Services Website

Minnesota Statutes

Out-of-Home Placement Report Focus Group Participants

Initial Placement Policy & Procedure

Purpose: To provide an organized process for the placement of children in foster care to ensure that all parties involved clearly understand their roles and responsibilities.

1. A referral form is filled out by the family social worker and given to the foster care workers to be reviewed
2. The referral and the needs of the child are discussed by the foster care workers and the family social worker. Potential placement resources are identified for the child.
3. The potential placement resources and their profiles are given to the family social workers
4. The family social worker will contact the foster care worker to talk about a potential foster home.
5. The foster care worker and, when appropriate, the family worker will contact the foster home and talk about a potential placement. This meeting can be accomplished through a face to face meeting or conference call. The information to be discussed will include:
 - Child Considerations:
 - Reason for Placement
 - Family background
 - School Performance
 - Community Behavior
 - Placement history
 - History of physical abuse, sexual abuse, neglect
 - Legal status
 - Extracurricular activities
 - Likes and dislikes of the child
 - Child's physician
 - Family Worker/Case Plan
 - Clothing needs and allowance
 - Service plan and foster parents role in service plan
 - Anticipated length of placement
 - Counseling and therapy arrangements and any role for foster parents
 - Transportation: Expectations and Reimbursement
 - Home visits, doctor appointments, recreation/extracurricular activities etc.
 - Counseling and therapy sessions
 - Frequency of family worker contacts
 - Difficulty of Care Assessment
 - Expectations about holidays, travel, overnight stays, etc.
 - Pre-placement packet contents (after the decision has been made to place)

- Natural Family Considerations
 - Relevant background/history; safety issues
 - Visitation plan with natural parents and extended family
 - Foster Family Considerations
 - Family Makeup and Culture
 - Discipline practices
 - Rules and Expectations
 - Substitute caregivers
 - Vacations and other travel
 - Work schedule
 - Overnight visits
 - Allowances
 - Problem-solving contracts for foster parents:
 - Issues specific to the child with family worker or the family worker's supervisor
 - Issues specific to foster home management with licensor/resource developer
6. If all parties agree, a pre-placement meeting is arranged. This will include the foster care worker, family social worker, parents of the child, child, and foster family. This meeting usually occurs at the foster home. A pre-placement visit can occur which could be an overnight or weekend. If a placement occurs without a pre-placement meeting, a meeting should occur within a few days of placement with all the above identified parties to clearly understand roles and responsibilities.
 7. Placement occurs when all parties are in agreement.
 8. A Team meeting will be scheduled within the first 30 days of the placement date.

Child Placement Packet

Purpose: Ensure that the Division provides foster parents with all of the necessary information and permission forms necessary to care for the child and their unique needs.

The family worker will complete a placement packet for each child placed in foster care. This packet will be given to the foster parent at the placement meeting. Placement packets are available from the Foster Care Unit and include Parent permission forms and significant basic background information about the child. The information can be reviewed and revised as needed at the time of the placement.

At the conclusion of the foster care placement the information will be returned to Social Services.

Team Approach to Foster Care Placement

Rationale: The teamwork approach to foster care placement builds strong communication and good working relationships. It helps prevent problems from escalating by ensuring knowledgeable partners in decision making are focused on the best interests of the child. It also helps solidify the roles of each partner and facilitates accountability for performance. The teamwork approach described below would apply to placements of children in St. Louis County foster homes.

A. Team Member Roles:

1. Social Worker - Responsible for making a referral to the licensing unit for a foster home; the development and implementation of the case plan and reporting to court on progress and factors impacting the child's well-being; authorizes and has primary responsibility for decision-making regarding the placement; and assists in the setting of a Difficulty of Care (DOC) rate.
2. Licenser - Responsible for the licensing, development and training of that foster home; responding to social workers' requests for foster homes, including the matching of foster home skills and child's needs and the sharing of information about the foster home with the placing worker; coordination of a placement staffing and ongoing support of the foster home in providing the services listed in the case plan; and facilitation of foster care team meetings/staffing.
3. Foster parent - Responsible to provide for the basic needs and parenting of the child on a day-to-day basis; to provide additional services as specified in the case plan and to cooperate with the agency in the implementation of the case plan; to provide a monthly update to facilitate regular and consistent communication among team members on the child's activities, well-being, and progress on the case plan; to share any disagreements regarding the case planning with the family worker and licenser prior to any court hearing; and to share major changes in their family circumstances.
4. Responsibility for Oversight - Role of the licensing supervisor in the foster care: Oversight of the licensers and the St. Louis County foster homes; ensures that the foster care system operates smoothly and assists with problem solving and conflict resolution when necessary and ensures that the evaluation of the foster care system occurs on an ongoing basis. Role of the social work supervisor in the foster care system: Oversight of family workers; ensures compliance with policies and best practices regarding concurrent permanency planning and out-of-home placement of children; provides support to social workers and facilitates problem solving and conflict resolution, when necessary, in conjunction with the licensing supervisor.
5. Others - The team recognizes that parents, extended families, guardians-ad-litem, correction officers, clinicians, as well as other professionals play an important role in the success of the child in placement and subsequent reunification. Their active participation as a team member will be encouraged and welcomed.

- B. A PowerPoint presentation that defines the roles and process is developed and can be used with new staff and new team members.
- C. Hold regular team meetings/staffing: foster care licensors will convene a foster care placement team meeting with the first thirty (30) days, as well as convene and facilitate a meeting every sixty (60) days thereafter until a reunification and/or permanency disposition is made by Juvenile Court. The goal of the team meetings is to facilitate the child's reunification with their family, assure placement stability, ensure the child's safety and well-being, and allow for permanency planning. A Team meetings are held every 90 days for long term foster care placements.
- D. Encourage and welcome foster care provider attendance and participation in the Juvenile Court process.

Preserving Placements

Purpose: Ensure that all options to preserve a placement have been considered by all members of the team (family worker, licensor and foster parent), prior to the family worker making a final decision to terminate a placement.

1. When a case manager decides that there are serious problems within a foster home regarding how a placement is going, these concerns should be discussed with their supervisor. In addition, the licensor should also be notified (by phone or e-mail) of the issues involved in the case manager's concerns.
2. Case manager and/or foster care licensor should contact the foster home and explain what the concerns are regarding the placement or other issues going on in the foster home. A face to face meeting could occur to discuss concerns and resolutions, if needed.
3. If problems continue, and removing the child is being considered by the family worker, a meeting of all team members (family worker, licensor, foster parent, and other where appropriate) should be arranged to further discuss concerns and explore how to resolve them.
4. If the serious problems continue and appropriate resolutions are not implemented, the case manager has the authority to move the child from the foster home within a reasonable time.
5. Whenever possible and appropriate, a final staffing should be conducted in order to review the placement. The final staffing would occur after the decision to end the placement is made but before the child has left the foster home.

Bed Holding Policy in Substitute Care

PURPOSE: A means of preserving a placement while a child is temporarily absent.

With any child leaving a placement for the reasons listed in the bed hold policy, we need to determine whether the child will be returning to this specific placement. Notification to the provider is needed immediately when a decision is made to close the placement.

The maximum number of days a bed may be held according to the situation is as follows:

Runaway:	7 days
Hospital Stay:	7 days
Home Visit:	7 days

The daily rate at which beds are held consists of the base rate only. Supervisory override is required for any adjustments in the rate or the number of days.

Note: Dollars paid to foster parents for bed holds are taxable. To some foster parents this can be an important issue as it can impact their other sources of income.

Clothing Allowance

Purpose: Clarifies how a child's initial and ongoing needs for clothing will be met while in foster care.

Clothing allowance requests are the responsibility of the family social worker. The foster parent should do a clothing inventory when a foster child is initially placed in their home. The foster parent may consult with the family social worker about what clothing may be needed. A clothing allowance will be based on the amount of specific clothing that is required. It is not a grant that specifies a certain amount.

The clothing allowance must be requested within 60 days of the child's initial placement in foster care.

The foster parents are expected to maintain a child's wardrobe while the child is in placement. Exceptions will be dealt with individually. If a child is moved from one foster home to another, it is generally expected that the child will not need an additional clothing allowance.

Difficulty of Care Assessment Policy

PURPOSE: Minnesota Rules, part 9560.0650 to 9560.0656 provides criteria for assessing the DOC and payment rates for children in foster care. Payments in addition to the basic maintenance rate shall be made for children in substitute care with mental, physical or emotional handicap who require additional supervision or assistance in behavior management, activities of daily living, management of medical problems, or interaction with the natural parents and the community.

The following procedure is used in setting the difficulty of care (DOC):

- During the month the child is placed, the placing social worker completes the “Difficulty of Care Assessment Schedule”, and presents it to the assigned DOC rater. The rater then schedules a staffing to have the DOC established.* The staffing committee consists of the rater, the placing social worker, and the DOC assigned supervisor.
- Prior to completing the “DOC Assessment Schedule” and scheduling the DOC staffing, the placing social worker discusses with the provider their assessment of the child and where the child fits in the DOC Assessment Schedule.
- *The DOC points are reviewed and finalized during the DOC staffing.
- In completing and finalizing the “DOC Assessment Schedule,” the box for DOC points is filled in at the conclusion of the staffing. The rater box is signed by the rater and/or the DOC supervisor. In addition, the form needs to indicate if the home is other than a County home. The DOC supervisor initials each completed form. The anticipated end date for the placement is added to the form and the type of review (new placement, review, change of placement) is written in at the top of each form.

Note: Although the assigned rater signs off on the DOC form as the rater, the determination of the DOC rate is done by consensus of all three parties involved. This rating is subjective in nature and not subject to the past history of the child or their family or the potential for future problems or behaviors. The assessment is based on the current status of the child.

- The “Difficulty of Care Assessment Schedule” form, the letters of notice regarding the DOC rate, the amount of reimbursement, and the appeal process are sent to the provider immediately following the DOC assessment staffing.
- Any provider in disagreement with the established rate should discuss with the placing worker or put in writing what reasons they have in seeking a higher DOC. This information will be reviewed by the DOC staffing committee and the results will be conveyed to the provider either in writing or verbally by the placing worker. The

placing social worker may ask the assigned DOC supervisor to also contact the provider for various reasons. Providers choosing not to go through this process can appeal directly to the State whereby an appeal hearing is set and the issue of the DOC is heard by a Appeals Referee and a judgment rendered.

- Review of the DOC can be done at any time by the request of any person involved in the placement process. The DOC assessment is regularly done at each change of placement and annually. In North St. Louis County new DOC assessments are scheduled on Wednesdays at 9:00 AM, or as needed in some cases.
- Once completed, DOC Assessment Schedule forms are forwarded to Jackie Fry in Accounting, who sets up the service agreements and follow-up DOC reviews. In North St. Louis County the original form is returned to the worker. In South St. Louis County the original is filed in a DOC file cabinet.

Difficulty of Care Protocol

The Rater on the DOC form is Karen Johnson in Duluth and Ann Kleffman in Virginia. It is the Rater's job to determine the number of DOC points and Level of Care.

New Placements: Done as needed.

- The placing social worker fills out the DOC Assessment Schedule Form.
- The placing social worker needs to write his/her name in the space above the "Child's Name", and indicated on the top of the form as to whether this is a new placement or a review.
- The placing social worker gives this form to one of the raters to schedule the DOC staffing.
- At the staffing, the form is reviewed by the DOC team consisting of the rater, the placing social worker and Supervisor Deb Lawrence or Mark Snyder.
- The DOC team determines the final DOC points. The rater documents the decision on the DOC form and signs it.
- If Level D or higher, the placing Social Worker **must** review with his/her Supervisor prior to the DOC staffing.

- The DOC supervisor initials approval of the points at the end of the staffing.
- The DOC form is forwarded by the rater to clerical for points to be entered on SSIS and for letters to be sent to foster care providers.
- Copies of the form and letters will be placed in the case record (hard copy or SSIS).
- A copy will be sent to the accounting clerk for entry on the SSIS Service Agreement.
- End date for placement is written on form.

Review Placements: Done on a yearly basis, or if the placement changes, or if there is a change in points. Protocol is same as above.

Clerical will track DOC cases on a DOC log.

Complaint and Grievance Procedure for Children In The Foster Home

Statutory Authority 2960.3080 Subp.10. & 245A.04 Subd. 1d

Complaints and grievances. The license holder must work with the licensing agency to develop written complaint and grievance procedures for foster children. The procedures must meet at least the following requirements:

- A. the agency or license holder must tell the child and the child's parent or legal representative about the complaint and grievance procedures and upon request give the child or the child's parent or legal representative a copy of the procedures and any forms needed to complain or grieve;
- B. the license holder must notify the placing and licensing agency about a written complaint or grievance and the resolution of the complaint or grievance; and
- C. a license holder's response to a complaint or grievance that alleges abuse or neglect must be investigated according to the requirements of the Maltreatment of Minors Act, Minnesota Statutes, section 626.556.

(Sample) Complaint/Grievance Procedure

Children in placement at the _____ foster care home may express complaints and grievances about this foster home. The steps in the grievance process are as follows:

1. Talk to foster parents and attempt to resolve your complaint or grievance on an informal basis.
2. Submit a written complaint/grievance to foster parents. The complaint/grievance should be written on a clean sheet of paper and include:
 - a. The date written
 - b. Your name
 - c. A complete explanation of your complaint/grievance with as many details as possible
 - d. A description of the action you would like the foster home to take to resolve your complaint/grievance. Foster parents will respond in writing to written complaints/grievances as soon as possible, but not later than five days after receiving the complaint or grievance, unless extenuating circumstances make a response during that time impossible.
3. Submit a written complaint/grievance to your social worker.
Name Address Telephone

While you are encouraged to follow these steps in sequence, **you may submit a grievance beginning with any of the steps listed above.**

Residents, parents, and guardians will be provided with a copy of this grievance procedure upon request.

Any abuse or maltreatment information obtained through the grievance process will be reported as required by the Maltreatment of Minors Act, Minnesota Statutes section 626.556.

The foster home will notify the licensor of all written complaints/grievances and the resolution of the complaints/grievance. The resolution of complaints/grievances shall be in the manner requested by the licensing agency.

Discipline Policy in the Foster Home

Statutory Authority 2960.3080 Subp.8.A. (1) through (8) and B. (1) through (5)

Discipline. The license holder must consider the child's abuse history and developmental, cultural, disability, and gender needs when deciding the disciplinary action to be taken with the child. Disciplinary action must be in keeping with the **license holder's discipline policy**. The discipline policy must include the requirements in items A and B.

A. Children must not be subject to:

- (1) corporal punishment, including, but not limited to: rough handling, shoving, ear or hair pulling, shaking, slapping, kicking, biting, pinching, hitting, throwing objects at the child, or spanking;
- (2) verbal abuse, including, but not limited to: name calling; derogatory statements about the child or child's family, race, gender, disability, sexual orientation, religion, or culture; or statements intended to shame, threaten, humiliate, or frighten the child;
- (3) punishment for lapses in toilet habits, including bed wetting or soiling;
- (4) withholding of basic needs, including, but not limited to: a nutritious diet, drinking water, clothing, hygiene facilities, normal sleeping conditions, proper lighting, educational services, exercise activities, ventilation and proper temperature, mail, family visits, positive reinforcement, nurturing, or medical care. However, a child who destroys bedding or clothing, or uses these or other items to hurt the child's self or others, may be deprived of such articles according to the child's case plan;
- (5) assigning work that is dangerous or not consistent with the child's case plan;
- (6) disciplining one child for the unrelated behavior or action of another, except for the imposition of restrictions on the child's peer group as part of a recognized treatment program;
- (7) restrictions on a child's communications beyond the restrictions specified in the child's treatment plan or case plan, unless the restriction is approved by the child's case manager; and
- (8) requirements to assume uncomfortable or fixed positions for an extended length of time, or to march, stand, or kneel as punishment.

B. The license holder:

- (1) must not require a child to punish other children;
- (2) must follow the child's case plan regarding discipline;
- (3) must not use mechanical restraints or seclusion, as defined in part 2960.3010, subpart 38, with a foster child;
- (4) must ensure that the duration of time-out is appropriate to the age of the child; and
- (5) must meet the requirements of part 9525.2700, subpart 2, item F, regarding the use of aversive or deprivation procedures with a foster child who has mental retardation or a related condition.

Drug and Alcohol Abuse Policy

Statutory Authority 245A.04 Sub. 1 C

■An applicant or license holder must have a policy that prohibits license holders, employees, subcontractors, and volunteers, when directly responsible for person served by the program, from abusing prescription medication or being in any manner under the influence of a chemical that impairs the individual's ability to provide services or care. The license holder must train employees, subcontractors, and volunteers about the program's drug and alcohol policy.

Policy: The license holder policy prohibits the license holder and all substitute caregivers, from abusing prescription medication or being in any manner under the influence of a chemical that impairs our ability to provide services or care when directly responsible for persons served by the program.

Grievance Procedure for Foster Care Provider

The Foster Care Provider Grievance Procedure is established to resolve areas of disagreement between foster care providers and agency personnel. The agency is responsible for grievances which involve foster care provider disagreements with agency policy, procedure, or practice.

Administrative Procedure

If a foster care provider files a written grievance requesting resolution of a disagreement between themselves and the agency, a formal grievance procedure has begun. The written request must include a statement of the issues or concerns and the relief sought by the foster care provider. The request for a grievance meeting must be sent directly to the director of social services or designee. The agency must, upon request, provide assistance to the foster care provider in filing the grievance.

Level One Grievance

Within ten days of receipt of the written request the agency must convene a meeting to address the grievance.

Persons in attendance at the meeting may include the foster care provider, the placing social worker and/or licensing social worker, and a social workers supervisor(s). Other interested persons, such as, a foster care provider support person, a service provider, or the child's parent may attend if the agency determines this appropriate. The presence of other interested persons must be approved by the agency to insure protection of data practices. At least one supervisor who has the authority to influence the implementation of agency policy, procedure, and practice must be present.

If the grievance is resolved to the foster care provider's satisfaction, the resolution must be documented and signed by the foster care provider and the agency representative. A written decision must be finalized within twenty (20) days.

Respite Care Policy

Purpose: Clarify expectations for foster parents who make respite care arrangements with other foster parents. Clarify the sequential steps to be followed and the reimbursement rates for respite care requested by a family worker.

A. Foster Parent Requests Respite

1. The foster parent providing care for the children may contact another licensed foster parent to make arrangements for respite foster care. The foster parent who has the child/children will be responsible for paying the other foster parent. The foster parent who is requesting the respite will notify social services about where the child/children will be staying. The foster parent who is providing the respite care may not exceed capacity limits.
2. If a foster parent needs assistance in locating another foster parent to provide respite care for the child/children in their care, they may contact their licensor to obtain names. The final arrangements will be made between the foster parents. Payment will again be between foster parents.
3. The guideline for payment supported by this department is that foster parent who has the child/children will pay the base rate plus the per diem that they are receiving to the other foster parent.

B. Family Worker Requests Respite

1. The family worker will follow the usual procedure to request a foster care placement through the use of the Child Placement Request form.
2. After a home has been identified as the provider, a pre-placement meeting will be held at the foster parent's home with the family worker, parent of the child/children, the children, and the licensor in attendance. In addition to placement information, the placing family worker will clarify what are the number of respite days allowed, who will be responsible for making arrangements, and who will provide transportation.
3. The respite placement will be entered into the SSIS system and the payment rate will be \$45.00 per day. Payment will be made for day in, but not day out. (Another way of looking at this is to see it as payment for the number of nights a child is in respite, i.e. Child enters foster home on Friday and returns to parental home on Sunday - placement is two nights = \$90.00).
4. A social services voucher will be generated for the foster parent and the foster parent will submit the voucher to the county for payment.

Smoke Free Foster Homes

Purpose: In recognition of the documented hazards of second hand smoke, St. Louis County Public Health and Human Services Department is now requiring that foster children only be placed in smoke free homes.

Each foster home is expected to maintain a smoke free environment. This is not to say foster parents cannot smoke. It does mean that while they have foster placements, no smoking is allowed in the home. This is not a foster care licensing issue; this is a child placement preference being adopted by St. Louis County Public Health and Human Services Department.

The following questions and answers are provided in an attempt to clarify the County's policy:

Q: If I smoke, can I designate a section of my home as a smoking area?

A: No, in consultation with the Health Dept, information has been provided that states it takes three hours for even one cigarette to dissipate.

Q: As a smoking foster parent, where can I smoke?

A: Anywhere other than your home or the vehicle you transport foster children in.

Q: If I currently have foster children and choose not to follow this requirement will these children be removed?

A: Each situation needs to be individually assessed. No further placements will be made until the home meets the requirements of being smoke free.

Q: If the parent of a foster child has no objection to my house not being smoke free will that be sufficient to bypass the requirement?

A: No, this is the County's position based on the best interest of all children residing in foster care.

Q: My home is not currently listed as being smoke free. What do I need to do to change that?

A: All you need do is contact your consultant.

Q: If I cannot stop smoking will St. Louis County assist in funding a non smoking program for me?

A: No, this is not an option at this time.

Q: Does this requirement apply to relative foster care?

A: Yes

Transportation Policy for Foster Parents

Purpose: To provide a clear understanding of transportation reimbursement available to foster care providers.

The foster parent is expected to transport for the first 150 miles per month per child. The Minnesota Department of Human Services establishes foster care maintenance and difficulty of care rates that allocates 13% of the maintenance rate for transportation costs. This could include but may not be limited to: home visits, doctor's appointments, therapy appointments, court, school, and other staffing requirements.

Additional transportation costs beyond this amount may be reimbursed at the current CONUS mileage reimbursement rate. The child's case manager may seek supervisory authorization for additional transportation costs.

Transportation for medical and therapy appointments is often times reimbursable through medical assistance. The child's foster care Financial Worker may seek prior authorization and facilitate transportation payment to the foster care provider.

Visitation Policy

Purpose: Ensure that the child's need to maintain contact with family is met through the development and implementation of the visitation plan.

The family worker will determine what the visitation plan will be and include that on the Child Placement Request. The plan will consider frequency, location, transportation, supervision, and anticipated problems. This information will be provided to the prospective foster parent.

The family worker, the foster care worker and the foster parent will discuss the foster parent's role in the implementation of the visitation plan, prior to the placement or at the time the child is placed.

Emergency Placement Policy

Purpose: To define the criteria for what qualifies as an emergency placement.

An emergency placement will be defined as any placement that does not follow the guidelines and procedures as spelled out in the agency's initial placement policy and when the following criteria are met.

1. A pre-placement meeting has not occurred.
2. There has been less than 24 hours notice to the foster parent of the need for a placement.
3. There is very little or no information known about the child/children in need of placement

An emergency placement may last up to 30 days. Once the Difficulty of Care (DOC) has been reviewed and determined, the emergency rate will no longer be in effect.

Emergency Relative Foster Care

When the social services agency has placement and care responsibility, an individualized determination must be made to select a foster care placement that best meets the child's needs. **For all foster care placements, relatives are to be given first consideration for placement.** Relatives include persons related by blood, marriage, adoption or with whom the child has previously lived or had a significant relationship.

County Social service agencies may not place a child in unlicensed foster care. An exception to this is for emergency relative placements. Minnesota Statutes, section 245A.035 provides a process for suitable relatives to immediately receive related children for emergency placement until they are licensed. When a child is in foster care, all Minnesota foster care requirements apply, whether the home is licensed or whether the home is an emergency placement, even when the home will not accept payment for care.

Placement Procedure of Children with Relatives

1. Placing worker identifies relative and completes a preliminary background check.
2. Placing worker provides foster care licensor with Relative Foster Care License Referral Form. Discuss the case with the assigned licensor.
3. Placing worker and foster care licensor conduct an initial inspection of premises to determine if the premise is safe and suitable for placement of the child. The Home Safety Checklist (DHS 0644) must be completed for this purpose.
4. Placing worker and licensor discuss placement and licensing expectations with the potential relative caregiver.
5. If child is placed with the relative, the following paperwork is provided to the relative for his/her application for foster care licensure:
 - a) Notice of Privacy Practices
 - b) Notification for Release of Background Study which is consent to complete Adam Walsh background study with the Department of Human Services, and
 - c) Fingerprint cards. (To be completed within 10 days of placement)
 - d) Application for Child Placement (DHS 4258A) (To be completed within 10 days of placement).

MN Rules, part 2960.3070, requires that the relative foster parents receive orientation within 30 days of placement.

All requirements of 'regular' child foster care licensing will apply to a relative foster care applicant.

Reports of Child Maltreatment in a Facility

Purpose: To ensure the safety of children placed in residential facilities within St. Louis County.

In responding to reports of maltreatment in a facility the investigating unit has the following responsibilities:

- Determine whether the report requires investigation as an alleged maltreatment and/or whether it should be referred to the licensing agent as a rule violation.
- Take action to ensure the safety of the alleged victims and other children in the facility.
- Notify certain agencies and individuals such as law enforcement, the licensing agency, the Office of Ombudsman for Mental Health and Mental Retardation, the alleged victim's parents and county social worker, of the alleged maltreatment.
- Complete an investigation leading to a two part finding: whether maltreatment occurred and whether child protective services are needed. Complete written documentation.
- Convey finding to those agencies and individuals who have a statutory right to the information.

NOTE: The investigative unit at DHS Licensing may take responsibility for investigation of non-family facilities (Rule 5, Rule 8, etc.) and may request assistance from the county.

Steps in the Investigative Process

The same policy applies regarding the audio and video taping as with non-facility reports.

Step 1: Receiving Reports

When a person knows or has reason to believe a child is being abused or neglected in a facility located in St. Louis County, that information should be reported immediately to the Initial Intervention Unit North or South. The screener in these units is responsible for obtaining the following information:

1. The identity of the child
2. The identity of the person believed responsible for the abuse or neglect
3. The nature and extent of the abuse or neglect
4. The name and address of the reporter
5. The nature of the reporter's relationship to the child and alleged offender as well as the basis for the reporter's knowledge of the alleged maltreatment

The screener will complete the intake process by typing the information onto the SSIS computer Intake log. The screener will determine which agency worker is currently assigned and open with the alleged child(ren) victim(s) and his/her family. The screener will notify the Initial Intervention Unit supervisor and the Children & Family Services Program Manager of the report, and a CPS IIU social worker will be identified (usually the back-up) to handle the investigation. If immediate action is indicated to ensure the safety of a child, that action will be taken prior to the initial staffing.

Step 2: The Initial Staffing

The screener or the assigned IIU worker responsible for the investigation will set-up an initial staffing meeting in which the following people will be requested to attend:

1. The IIU Supervisor
2. The IIU worker assigned to the investigation
3. Related licensing agency/staff (foster care and/or child care), and supervisor.
4. Active agency social worker(s), and their supervisor (s).
5. Others may be included, as deemed necessary by the screener and/or the initial staffing group.
6. Another CFS supervisor.

The initial staffing meetings of necessity are scheduled on short notice, and will not be delayed to accommodate schedules of requested attendees. At this meeting, the report is presented by the screener or the assigned IIU worker and reviewed by the group. A decision is made as to whether or not there is sufficient reason to conduct an investigation. It may be necessary to determine whether what is being reported constitutes a possible Rule violation rather than abuse/neglect. If a decision is made to investigate the report, it is then determined who must be notified of the report and impending investigation. The assigned IIU social worker will assure those notifications are made. The notifications may include:

1. The appropriate law enforcement agency
2. The licensing agency
3. Other family social workers and/or supervisor's
4. Parents of involved children
5. The Juvenile Court Judge, parties, and counsel
6. Other facility staff or county agency administrative staff, and
7. The appropriate Ombudsman Office.

When a report is received alleging abuse or neglect in a facility, the following information must be provided to the parent, guardian, or legal custodian of the alleged victim:

1. Name of facility
2. That a report of maltreatment of their child has been received
3. The nature of the alleged maltreatment
4. That the agency is conducting an investigation
5. Any protective or corrective measures taken pending the outcome of the investigation
6. That a written report will be furnished when the investigation is completed

This information **may** also be provided to the parent, guardian, or legal custodian of other children in the facility. A determination as to whether to notify the parent, guardian, or legal custodian of children other than the alleged victim will be made at the initial staffing prior to the investigation. If insufficient information is available at that time, the determination will be made as soon as possible by consultation between the IIU social worker and the unit supervisor, and will be conveyed to those who were present at the initial staffing. MN Statute 626.556, subd. 10d, paragraph (b) should be consulted in making this decision.

Step 3: Notifications

1. Notification to law enforcement will be made verbally and in writing on the appropriate agency form.
2. Notify the appropriate state agency.
3. Other notifications should be made in person or by phone as soon as possible.
4. These notifications will generally be made by the social worker assigned to the investigation unless it is decided otherwise at the initial staffing.

Step 4: Conducting the Investigation

It is advisable for the social worker to immediately begin the investigation following the initial staffing meeting. However, the same framework applies as in other child maltreatment situations. The social worker should interview the alleged victim, the person allegedly responsible for the abuse or neglect, and the witnesses. Observations of injuries or conditions in the facility contributing in any way to the maltreatment should be made. The child's treatment plan and placement plan should be reviewed. These steps should be taken in cooperation with any law enforcement investigation and in consultation with the investigating social worker's supervisor and the county attorney's office, when appropriate. Any involvement with other children in the facility in the investigation process should be communicated to the appropriate agency personnel responsible for placement. Interviews with minor witnesses may require written authorization by parents or legal custodians (barring immediate dangers).

The DHS Rule 9560.0222, Investigation of Reports of Maltreatment in a Facility, should be consulted for details regarding what is required in an investigation. When the investigation is over, the social worker writes a report of his/her findings and classification. The abuse/neglect summary form will be used as the guide in writing the report.

Step 5: Final Review Staffing and Notification

At the conclusion of the investigation, the IIU social worker will schedule a final debriefing meeting giving sufficient notice to permit full participation of the requested attendees at the initial staffing as well as other individuals involved with the matter who should attend.

A written summary report will be made available for the meeting participants at this staffing and a copy will be provided to the Children and Family Services Program Manager. The investigation and findings will be reviewed, reactions to the findings will be heard, and recommendations for needed action will be set forth. If the investigation results in a determination of child maltreatment, the licensing worker or agency and the assigned IIU social worker work will jointly comply with the Consolidated Licensing Due Process provisions as stated in Minnesota State Statutes.

When the investigation is completed, every parent, guardian, or legal custodian who was notified of the investigation must be provided with the following information in writing by the IIU social worker following the final staffing meeting. If it is determined that maltreatment occurred this information **must** be provided to the parent, guardian, or legal custodian of each child in the facility, and as age permits the child victim.

1. Name of facility
2. Nature of alleged the maltreatment
3. Names of investigators and agencies represented
4. Summary of the results of the investigation
5. The investigating agency's determination
6. The remedial measures being provided.

Additionally, in ongoing cases agency staff will inform the court (if an active case exists) of the maltreatment, and work with families and children on needed changes. The licensing staff will communicate with license holders and DHS concerning the implications for license status, any rule violations, and any other license related sanctions.

Records related to investigations of child maltreatment in a facility will be kept in a file under the name of the facility. The records will be retained/destroyed in accordance with MN Statute 626.556, Subd. 11c.

Restricted or Discontinued Use Of a Foster Home

Purpose: To determine if continued utilization of a foster home is in the best interest of children and the St. Louis Counties Foster Care Program. Circumstances periodically arise where conditions within a specific home do not meet the threshold for disqualification or negative licensing action. However, these conditions create enough concern that a decision needs to be made by the Division on whether to continue use of the home or not.

Any social worker or supervisor having concerns about the continued utilization of a particular foster home, either County or Private, will have that item placed on the agenda of the supervisor's weekly meeting for discussion. To ensure sufficient information for discussion, the supervisor placing the item on the agenda and the foster care supervisor will be responsible for providing the following information:

- Nature of the concern
- History of placements in the home
- Length of time providing foster care
- Current placements
- History of complaints and any negative licensing actions
- Impressions/comments from the licensor responsible for the home

The Section Supervisor will have the final say as to any decisions or actions resulting from this discussion.

The foster care provider and the DHS Licensing Division will be notified in writing by the foster care supervisor of actions taken by the County to discontinue the use of a particular home.

Fostering Connections - Foster Care for Youth 18-21 Policy

Purpose: Provide continued care for youth, 18-21, who wish to remain in foster care; and to provide guidance on statutory changes for youth.

Eligibility for Continued Foster Care & Health Care

Federal child welfare law, The Fostering Connection to Success and Increasing Adoptions Act of 2008 (PL 110-351), allowed states the option to extended foster care beyond the age of 18 and offered Title IV-E funding for eligible children effective October 1, 2010.

After this date, youth in foster care immediately prior to age 18 - under the responsibilities of a placing agency - must be advised of the availability of foster care benefits up to age 21; notification should occur at least 90 days prior to the 18th birthday. If the youth does not wish to continue extended foster care, a personalized transition plan should be developed and provided during the 90 period. If the youth desires to remain in extended care, they must meet at least one of the following conditions:

1. Completing secondary education or program leading to equivalent credentials
 - a. Written verification of enrollment from the institution; ongoing confirmation of class schedules, grades, progress, tuition payment.
2. Enrolled in an institution providing post-secondary or vocational education.
 - a. Written verification of enrollment from the institution; ongoing confirmation of class schedules, grades, progress, tuition payment.
3. Participating in a program or activity designed to promote or removes barriers to employment.
 - a. Written verification from program/activity that includes description and duration.
4. Employed for at least 80 hours per month or
 - a. Pay stubs, written verification from employer, work schedule
5. Incapable of doing any of the activities described above due to a medical condition.
 - a. Professional medical documentation of condition and its effect on the youth's participation in the above activities.

Note: These conditions need to be documented

Youth who cease to meet the eligibility conditions after attaining age 18 may be discharged from foster care. The agency should make efforts to engage youth in a planned discharged.

Health Care

- Youth that are eligible for IVE will be eligible for medical assistance.
- Non IVE eligible youth will need to meet the income guidelines (if income over \$903 per month they would have a spend-down).
- ICWA youth's eligibility may be affected if they receive payments from their respective tribes.

Case Planning, Reasonable Efforts, and Verification

Social workers should collaborate with youth to create a case plan for extended care; it includes an out-of-home placement plan and an independent living plan. The plans should reflect the duty to make reasonable efforts toward support and services for independent living. Verification of eligibility must be maintained in the youth's case file.

Judicial Responsibility/Review & Title IV-E

Youth in extended care are adults for all purposes except the continued provision of foster care. The agency must have legal responsibility to place or maintain a youth over age 18 in foster care.

For youth continuing in care after their 18th birthday: For youth under court jurisdiction prior to 18, that responsibility may be obtained through:

- A court order that terminates legal custody or guardianship, but maintains court jurisdiction and indicates a youth continues in placement under legal responsibility of the county or tribal agency.
- The youth's signature, obtained prior to the order terminating custody or guardianship, on the out of home placement plan or independent living skills plan. (The plan must include a statement indicating the youth continues in placement under the legal responsibility of the county or tribal agency).
- The court must make judicial determinations and there is a need for court reviews.
- The court must conduct court reviews of reasonable efforts to finalize the permanency plans for youth at least every 12 months. The agency must ask the court to make finding on the agencies reasonable efforts to:
 1. Ensure foster care is the best legal arrangement
 2. Assist the youth in building lifelong relationships with family, sibling etc
 3. Plan with a youth to utilize supports and services that develop an appropriate set of skills necessary for successful independence after foster care.

Youth, 18-21, may exit care and request to re-enter. For those youth who are under the guardianship of the commissioner of human services - state wards - the agency **must** allow them to re-enter care. Those who are not state wards and request re-entry, the agency **may allow** them to re-enter care. **Youth who are not state wards may enter foster care with the approval of the division director.**

For youth to re-enter foster care after being in care for 6 continuous months prior to their 18 birthday

- Legal responsibility for youth who re-enter foster care after attaining age 18 should be obtained by the youth entering into a voluntary placement agreement with the responsible agency. A unique voluntary placement agreement has been developed for this purpose.
- There would have to be a case plan/ independent living plan written collaboratively with the youth.
- The court must make judicial determination that the placement is in the youth's best interest within a 180 days of the youth's placement by voluntary placement agreement.
- There is a need for court reviews of reasonable efforts to finalize the permanency plan every 12 months beginning from the date the youth's re-enters foster care. The agency must ask the court to make findings on the agency's reasonable efforts.

For youth re-entering care after their 18th birthday: “resumers” are youth who were in foster care prior to 10-1-10 and were IV-E eligible prior to age 18. These youth lost their IVE eligibility based on IVE requirements (age, graduation, etc) but remained in foster care.

****** For these over 18 year olds to be eligible for IVE claiming, judicial jurisdiction needs to be re-established. We need to establish permanency and finalize the permanency plan. The court needs to make a finding of reasonable efforts to finalize a permanency plan and this would need to be reviewed annually. This would reestablish IVE eligibility.

****** Social workers DON'T CLOSE COURT ON KIDS WHO ARE 18.**

Youth Under Tribal Jurisdiction

For tribes with Title IVE agreement, implementing fostering connections includes:

- Using the same definition of child that Minnesota adopted and which includes youth who continue in foster care
- Offering the opportunity for youth to remain in foster care past age 18 when they are willing to meet the eligibility criteria
- Utilize foster care benefits to pay for supervised independent settings
- Develop a plan for services and supports that encourages continued development of independent living skills and life-long connections with family, community, and tribe.

The agency will remain responsible for the cost of foster care placement (exception: tribe participates in the American Indian Child Welfare Initiative, Minn. Stat 256.01 subd14b).

Foster Care Settings & Maintenance/DOC Payments

Youth may continue in a traditional foster care setting or in a supervised setting where they are living independently. Child foster care providers caring for youth over age 18 but under age 21 may do so without a license. The setting will be based on their best interest and an individual determination of their needs. The agency remains responsible for maintenance and Difficulty of Care (DOC) payments; made to the provider or youth.

Possible settings and some guidelines are:

Family Foster Homes: Maintenance and DOC payment will be made directly to the provider

Dorm or College: Youth may choose to reside in a dorm setting at their institute of higher learning. Foster care maintenance and DOC payments may be payable to the youth or the institution; the logistics of payments will be determined by the youth, case manager and the agency. It is recognized that this may only affect a small percentage of our youth.

Youth who reside in dorm setting which is paid through educational vouchers or grants, may return to the home of the foster care provider for visits, school breaks, or holidays. The agency will pay foster care to the provider for the youth's time in care, contingent on a social service plan.

Apartments: Youth may choose to reside in supervised independent living settings. Foster care maintenance and DOC payments may be made to the youth, and/or the

landlord through a vendor payment. The youth and case manager should collaborate on a social service plan which meets the best interests and standards. The policy of the agency is to assess and pre-approve independent living settings. Case managers are encouraged to seek support and consultation with foster care social workers, supervisors, and the division director.

Secondary School (Other than College): These programs differ in length and some are not covered by other financial sources. Children attending one of these programs may be living in family foster home or an apartment. Case managers should develop a comprehensive independent living plan in collaboration with the youth in preparation for continued education and employment. Depending on the living setting, foster care maintenance and DOC payments may be payable to the youth, foster care provider and/or landlord.

Program or activity to remove barriers: Youth may remain in foster care to participate in approved programming to further their education and employability. The case manager should collaborate with the youth, foster care provider and others significant to the child to ensure safety and well-being. Consultation and collaboration with foster care social workers, supervisors, division director will remain important to facilitate movement toward successful independent living.

Additional Considerations

Agency social workers who continue youth in extended foster care will require support and guidance to ensure compliance with state law, as well as to ensure out-of-home placement plans, transition plans, educational stability, health care oversight, sibling connectedness and relative notification are appropriately addressed. Agency social workers are encouraged to seek consultation and guidance.

Adolescent Service Folder (with two sub folders)

MNYTD IL Services Folder

This form addresses the Independent Living Services provided to youth in MN. The form must be completed on any youth currently between the ages of 14 and 21 that have received any identified IL Service, regardless of the payment source. The form must be completed if the youth is currently in foster care or was discharged after age 14. This data is collected by the state on March 31 and September 30 of each year, for the Federal report, which provides MN with the Chafee funds.

SSIS Module, Copy of IL Services Screen:

http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16_153679.pdf

MNYTD Survey/Contact Folder and SSIS Update Issue 317-Access and Use of MNYTD forms

This update addresses the use of the Survey, Contacts and Data Privacy forms. These forms can be accessed through Tools, then General Reports, then MNYTD folder, and then Blank forms and select a form from the drop down.

The SSIS Update should be distributed to supervisors, so that it can be discussed in unit meetings to increase the awareness of all social workers and to inform them of the necessity of

completing the *MNYTD Survey/Contact* folder in SSIS. The survey/contact forms should be completed during a monthly visit.

SSIS Link:

http://www.dhs.state.mn.us/main/groups/agencywide/documents/pub/dhs16_156265.pdf

Deadlines:

The *MNYTD survey* must be completed when each youth turns 17. The worker has up to 45 days from the 17th birthday to complete the survey folder. This applies to youth who have turned 17 on or after 10/1/10.

The Minnesota State Department of Human Services will hire a private agency to conduct follow-up surveys with the youth at ages 19 and 21.

Deadlines for the *IL Services* are March 30 and September 30 of each year.

Forms:

Ready-made packets could be made available consisting of the privacy notice, survey and contact sheets. The forms are also available on SSIS. One way they can be accessed, is on the tool bar (top right, last three icons) when you have accessed the participant in SSIS. These can be filled out directly on SSIS.

These forms can also be accessed through Tools, then General Reports, then MNYTD folder, and then Blank forms and select a form from the drop down. You may print out the forms from here.

The forms may be accessed through the Chronology folder, then select Document: New, Document Category is "State: Adolescent Independent Living Skills". Then from the drop down in Document Name you may select Independent Living Skills Plan or the MNYTD Notice of Privacy Practice.

MNYTD Survey Report

A report will be run periodically and distributed to the worker using the current protocol used for DOC assessments; an email will be sent out to both the worker and the supervisor with the client's name and the date the survey is due.

Other Information

SSIS has training modules, power point presentations, tip sheets, IL Services Definitions and much, much more on their website. If a worker has questions, they can contact the present adolescent transitions services worker.

Link:

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_000477#

References:

Public Law 110-351; Fostering Connections to Success and Increasing Adoptions Act of 2008.

Minnesota Statute 260C.541, subd 1

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